

{PRIVATE }CITY OF SAN JOSÉ, CALIFORNIA{PRIVATE }
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
H.L.C. Item 4.b.

File Number
SJ Airport/ACT PA

Application Type

Council District
3

SNI:
Washington

Planning Area
Central

Assessor's Parcel Number(s)
Multiple

PROJECT DESCRIPTION

Completed by: **B. Beattie/C. Damkroger**

Location: **Eligible properties located within the 65 Community Noise Equivalent Level (CNEL) or Neighborhood Eligibility Area (NEA)**

Gross Acreage: **na**

Net Acreage: **na**

Net Density: **n/a**

Existing Zoning: **Multiple**

Existing Use: **Single-family and multi-family residential**

Proposed Zoning: **No Change**

Proposed Use: **No Change**

GENERAL PLAN **Multiple**

Completed by: **CD**

Land Use/Transportation Diagram Designation
Multiple

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: **CD**

North: **NA**

East: **NA**

South: **NA**

West: **NA**

ENVIRONMENTAL STATUS

Completed by:

☒ Environmental Impact Report found complete
☐ Negative Declaration circulated on
☐ Negative Declaration adopted on

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by:

Annexation Title: **Original**

Date: **3/27/1850**

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Recommend Approval
☒ Recommend Approval with Conditions
☐ Recommend Denial

Date _____

Approved by: _____

OWNER / DEVELOPER ARCHITECT ENGINEER

{PRIVATE } PUBLIC AGENCY COMMENTS RECEIVED

Completed by:

Department of Public Works

None

Other Departments and Agencies

GENERAL CORRESPONDENCE

None

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The San Jose Airport's Acoustical Treatment Program (ACT) was created to reduce interior noise levels from aircraft departures and arrivals at the Airport to a Community Neighborhood Equivalent Level (CNEL) of 45 decibels, so as to comply with California State noise standards. Noise reduction is accomplished through modification, reconditioning, replacement or installation of doors, windows, vents, weather stripping, attic insulation and heating/air conditioning treatments. Eligibility Areas are defined in the order of noise exposure, with locations of greatest exposure or loudest completed first.

In connection with implementation of the Airport Master Plan, the City Council directed the treatment of certain eligible schools and residential properties located within the 65 CNEL noise impact area or Neighborhood Eligibility Area (NEA), as shown on Appendix B of the Programmatic Agreement (PA). In 1995, Category I was established which consisted of approximately 1400 dwelling units identified as eligible within the NEA and located primarily within the City of Santa Clara. In April of 2001, the Airport reported to Council that the 4th quarter 2000-noise contour had encroached into the Guadalupe/Washington neighborhood of San Jose thus requiring the Airport to update its Noise Exposure Map. This new extended area was identified as Category IB consisting of approximately 1200 dwelling units. The Airport proposed and received approval from Council to acoustically treat eligible properties in this new extended area.

To date the ACT Program has completed approximately 1400 dwelling units in the Category I eligibility area and four schools, two of which were identified as having historical significance. Sacred Heart School, as a contributing structure to the Sacred Heart Church and Center for Employment Training, CET (formerly the Woodrow Wilson Junior High School) which is a Candidate City Landmark and potentially eligible for the National Register of Historic Places. CET was presented to the HLC in March 2001 and sent to the State Historic Preservation Office for Section 106 consultation. Construction on CET is complete and an example of acoustical treatment of historic structures.

The ACT program has also treated a number of single-family dwelling units in the City of Santa Clara and the City of San Jose. The ACT program, in anticipation of favorable consideration intends to treat a number of dwelling units, mentioned later in this Report, and proposes to move forward with treating additional historical properties in the Category IB NEA using Federal Aviation Administration funds.

Funding is by a combination Airport Passenger Facility Charge (PFC) revenue and Airport Improvement program (AIP) grants administered by the Federal Aviation Administration (FAA). FAA funds come from the Airport and Airway Improvement Act (AAIA) of 1982 (49 U.S.C. 2201, et seq) as amended.

HISTORIC RESOURCE DESCRIPTION

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to determine whether their undertakings may have an adverse effect on resources eligible for or listed in the National Register of Historic Places. Federal funding through the FAA is a federal undertaking. It was determined by the Airport that acoustical treatment of the properties in the NEA may have an adverse effect to potentially historic properties. The ACT staff used listing on the City of San Jose Historic Resources Inventory as one determinant for assessing historic significance and where properties were not included in the inventory commissioned Basin Research Associates, Inc. to conduct a Historic Architectural Survey (attached) in October 2002 and revised in August 2003 to identify properties potentially eligible for the National Register within the NEA. While the current 65dB Contour Map does not include the majority of the Ryland/Vendome Neighborhood survey area, the ACT Program has chosen to include it in the PA in the event that FAA determines that it is eligible or that the contour is expanded.

The Historic Architectural Survey by Basin Research was a “windshield survey” which identified properties that appear eligible for the National Register. A windshield survey is referred to in National Register Bulletin 24 as “once over lightly.” This type of survey consists of walking or driving a neighborhood to identify those properties that appear to have historic significance. In this survey there are no Department of Parks and Recreation forms completed and no individual building research conducted. The survey was conducted with a focus on resources that may qualify for National Register Criterion C,

That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Historian Charlene Duval provided a brief historical overview to serve as the context for the survey. The determination of historic significance is preliminary and further research would be necessary before a final determination could be made.

For the purposes of this PA, the ACT Program proposes to treat as historical properties listed in the Historic Resources Inventory and all properties identified in the Guadalupe/Washington and Ryland/Vendome Neighborhoods Historical Architectural Survey under Codes 1, 2*, 2+ and 2.

Guadalupe/Washington Neighborhood

The initial findings of the survey conclude that there are two potential historic districts, based on Criterion 3, in the area. The potential districts were described as the Willow/Sherman Street District, composed of approximately 24 buildings with 22 apparent contributors to the potential district. The second is the Locust/Grant Street District of approximately 20 homes, 17 contributing. In addition to the potential districts 1095 buildings were surveyed. Approximately 600 homes fall into the 1, 2* and 2 categories that will be treated as historic through the PA.

Ryland/Vendome Neighborhood

The initial findings of the survey conclude that there is one potential historic district in the neighborhood, based on Criterion 3. The potential district is described as the Ayer Avenue/Losee Court District, composed of approximately 25 buildings with 24 apparent contributors to the potential district. In addition to the potential district, 309 buildings were surveyed. Approximately 225 homes fall into the 1, 2+ and 2 categories that will be treated as historic through the PA.

The result is that between 600 and 825 historic properties may qualify for the ACT Program.

ENVIRONMENTAL REVIEW

CEQA

Resolutions No. 67380 and 71451, PP04-01-23.

National Historic Preservation Act (NHPA)

The project is subject to review and compliance with Section 106 of the National Historic Preservation Act. A Programmatic Agreement (PA) has been drafted to outline the treatment procedures and will be signed by the City of San Jose, the FAA, the Advisory Council on Historic Preservation, and the California State Historic Preservation Office. The Historic Landmarks Commission (HLC), a Certified Local Government (CLG), reviews and comments on the PA, making a recommendation on whether the City should sign the PA. The HLC comments will be forwarded to the California State Historic Preservation Office as well as the Director of Planning, Building & Code Enforcement.

PROJECT DESCRIPTION

The objective of the ACT Program is to reduce the interior noise levels to 45 decibels or less by the installation of acoustical windows and doors, weather stripping, attic insulation, gable end vents, air conditioning and electrical upgrades resulting from the mechanical work. Property owners within the eligibility areas are encouraged through a series of community meetings and mail outs to apply for the Program. Each applicant is then required to sign a Participation Agreement outlining the relationship between the City of San Jose and the property owner.

A qualified consultant visits each property to determine the best acoustical treatment and prepares the Scope of Work for the construction work. The City hires qualified contractors to perform the work. City inspectors monitor the construction process. Scheduling is done in the order of noise exposure, with locations of greatest exposure or loudest completed first. The properties are organized into phases for orderly administration and construction management.

The ACT Program has acoustically treated approximately 1400 dwelling units in Category I and scheduled to treat approximately 1200 in Category IB by Fiscal Year 07/08.

ANALYSIS

The primary objective of the ACT Program PA is compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitation. ACT staff has looked to the recently signed San Diego International Airport Programmatic Agreement as a model for the San Jose program. The Act Program has worked closely with the San Jose Historic Preservation Officer (HPO) in the preparation of the PA and the Historic Surveys initiated by the Program. The PA and exhibits (attached as Appendices A-I, or 1-9) outlines the stipulations to which the signatories are bound and the guidelines for administering the program.

After review of the current draft of the PA, Planning staff recommends the following additions to the PA:

1. The addition of a stipulation addressing professional qualification standards for any historic evaluation, survey or documentation work.
2. A stipulation that all properties that fall into significance categories 1, 2*, 2+ and 2 in the Guadalupe/Washington and Ryland/Vendome surveys by Basin Research Associates, Inc. as well as properties listed in the San Jose Historic Resources Inventory will be treated as historically significant for the purposes of the ACT Program.

Appendix H/8 of the PA includes the "Specific Guidelines for the Sound Attenuation Modifications." These Guidelines

address a prioritized process for the treatment of qualifying historic homes. The process is in keeping with Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitation, in particular standards 2, 5, and 6. For example, Priority One treatment is to maintain an existing historic window and to attenuate the noise through interior storm windows. Where retention is not possible replacement in kind is directed. The Guidelines continue the prioritization process for window and door treatments. It should be noted that the new Guide for Preserving San Jose Homes may be a useful resource for the ACT Program.

COMMUNITY OUTREACH

The Airport has mailed an offer to treat each eligible property within the NEA.

The Airport Community Liaison has also conducted a series community information meetings with eligible property owners in cooperation with SNI and neighborhood groups. This is a continuous process to keep eligible property owners up to date. Information about the Program is also located in the Airport's website at <http://www.sjc.org/community/act.html>.

The ACT Program also has a field office located at the Sacred Heart School at 310 Edwards that displays samples of products used in acoustical treatment.

RECOMMENDATION

Planning staff recommends that the Historic Landmarks Commission make the following findings and recommendations:

1. Recommend that the following stipulations be added to the PA:
 - a) A stipulation addressing professional qualification standards for any historic evaluation, survey or documentation work.
 - b) A stipulation that all properties that fall into significance categories 1, 2*, 2+ and 2 in the Guadalupe/Washington and Ryland/Vendome surveys by Basin Research Associates, Inc. as well as properties listed in the San Jose Historic Resources Inventory will be treated as historically significant for the purposes of the ACT Program.
2. Find that the ACT Program Programmatic Agreement attachment "Specific Guidelines for the Sound Attenuation Modifications" is in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitation, in particular standards 2, 5, and 6.
3. Recommend to the Director Planning that the Programmatic Agreement be signed on behalf of the City.
4. Accept the preliminary findings of Guadalupe/Washington and Ryland/Vendome Neighborhood Historic Architectural Survey, dated the October 2002, revised August 2003.

Attachments: PA

Guadalupe/Washington and Ryland/Vendome Neighborhood Historic Architectural Surveys